

REMARKS

The Applicant thanks the Examiner for the careful consideration of this application. Claims 1, 3-12, and 14-50 are currently pending. Claims 1, 18, 19, 31, 37, and 43 have been amended. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

The Office Action rejected claims 1-16 and 19-49 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,089,420 to Durst et al. ("Durst"). Claims 1, 19, 31, 37, and 43 are the independent claims. The Applicant traverses this rejection.

Claim 1 has been amended to recite "a material forming the package, the material being integral to the package and including an unlabelled region" and "a non-predetermined random identifier comprising at least one integral feature of the material forming the package, wherein the non-predetermined random identifier is . . . located in the unlabelled region of the material." Independent claims 19, 31, 37, and 43 have been amended in a similar manner. The Applicant submits that Durst fails to anticipate amended claims 1, 19, 31, 37, and 43 for at least the following reasons.

First, Durst does not disclose "a non-predetermined random identifier comprising at least one integral feature of the material forming the package," as claimed. In the previous rejection of the claims, the Office Acton aligns Durst's dichroic fibers 53, patch 54, or dichroic fibers 60A with the claimed "non-predetermined random identifier." However, none of these features of

Durst comprises at least one *integral feature of the material forming the package*, as claimed.

Rather, the dichroic fibers 53, patch 54, and dichroic fibers 60A are all additional pieces that would need to be *adhered to* the material of the respective package. For example, with respect to Durst's Fig. 6, the dichroic fibers 53 and the patch 54 are part of an authentication certificate 50, which, for example, would need to be adhered to a package. (See Durst at col. 45, ll. 11-16.)

Further, referring to Durst's Figs. 7A and 7B, the dichroic fibers 60A are part of a sealing tape 58 that can be *adhered to* the material of a package. (See Durst at col. 45, ll. 21-30.) In view of the foregoing, neither the dichroic fibers 53, the patch 54, nor the dichroic fibers 60A of Durst comprise an "integral feature" of the material forming the package. Rather, they are separate elements that must be attached to the package. As a result, Durst does not disclose "a non-predetermined random identifier comprising at least one integral feature of the material forming the package."

Second, Durst does not disclose that "the non-predetermined random identifier is . . . located in [an] unlabelled region of the material," as claimed. As stated above, the Office Action aligns Durst's dichroic fibers 53, patch 54, or dichroic fibers 60A with the claimed "non-predetermined random identifier." However, as demonstrated above, these items are essentially "labels" that must be adhered to the material of the package on which they are used.

Accordingly, the fibers 53, patch 54, or dichroic fibers 60A cannot possibly be located "in [an] unlabelled region of the material" of the package, as claimed. As a result, Durst does not disclose that "the non-predetermined random identifier is . . . located in [an] unlabelled region of the material."

Third, the claimed invention provides numerous advantages over Durst. The claimed

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invention provides a “non-predetermined random identifier” which is an “integral feature of the material forming the package.” This is in contrast to Durst, in which the dichroic fibers 53, patch 54, and dichroic fibers 60A are part of a *separate* seal tape or label that must be adhered to the package (referred to collectively as “label”). With the configuration disclosed in Durst, there is a risk that the label could be detached from the package, making identification impossible. In addition, the configuration of Durst is vulnerable to a counterfeit package having an authentic label attached to it, making it impossible to identify the package as a counterfeit. Further, the label adhered to the package in Durst could cause an elevation or bump on the package, possibly leading to a technical fault in further processing of the package. The package claimed in the present application avoids the disadvantages of Durst by providing a “non-predetermined random identifier” which is an “integral feature of the material forming the package.”

The Applicant submits that independent claims 1, 19, 31, 37, and 43 are patentable over Durst for at least the foregoing three reasons. Claims 2-16 and 20-30, 32-36, 38-42, and 44-49 depend variously from claims 1, 19, 31, 37, and 43, and are patentable for at least the same reasons.

Rejections under 35 U.S.C. § 103

(1) The Office Action rejected claim 50 under 35 U.S.C. § 103(a) as being obvious over Durst. Claim 50 depends from claim 43, which as demonstrated above, is patentable over Durst. Accordingly, the Applicant submits that claim 50 is patentable over Durst for at least the same reasons.

(2) The Office Action rejected claim 17 under 35 U.S.C. § 103(a) as being obvious over

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Durst in view of U.S. Patent No. 6,155,025 to Komiya ("Komiya"). Claim 17 depends indirectly from claim 1, which, as demonstrated above, is patentable over Durst. Komiya does not remedy the deficiencies of Durst. Accordingly, the Applicant submits that claims 1 and 17 are patentable over any reasonable combination of Durst and Komiya.

(3) The Office Action rejected claim 18 under 35 U.S.C. § 103(a) as being obvious over Durst in view of DE 20101554 U1 to Graphia ("Graphia"). The Office Action asserts that Graphia discloses the "cut edge" of claim 18. Claim 18 has been amended to remove "cut edges" from its scope. In addition, claim 18 depends independently from claim 1, which is patentable over Durst. Graphia does not remedy the deficiencies of Durst. Accordingly, the Applicant submits that claims 1 and 18 are patentable over any reasonable combination of Graphia and Durst.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

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Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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